IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA JOHN F. CORCOBAN, CLERK ROANOKE DIVISION BY: DEC 1 5 2009 F. CORCOBAN, CLERK DEPUT CLERK

EARL HAMMONDS,)
Petitioner,) Case No. 7:09CV00365
v.) ORDER
GENE JOHNSON, DIRECTOR,) By: Glen E. Conrad United States District Judge
Respondent.)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

- 1. The motion to dismiss is **DENIED**; and
- 2. The above referenced petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **REFERRED** to the Hon. Michael F. Urbanski, United States Magistrate Judge for the Western District of Virginia, to conduct any or all proceedings that may arise in this civil action, including an evidentiary hearing, if necessary, and to submit to the Court a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition, pursuant to 28 U.S.C. §636(b)(1)(B).

ENTER: This 15¹⁴ day of December, 2009.

United States District Judge